

Kansas Register

Bill Graves, Secretary of State

Vol. 13, No. 6

February 10, 1994

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Law Enforcement Training Commission

Notice of Meeting

The Kansas Law Enforcement Training Commission will meet at 10:30 a.m. Thursday, February 17, at the Kansas Law Enforcement Training Center, located 12 miles southeast of Hutchinson south of K-96 at the Hutchinson Air Base Industrial Tract (HABIT), the former Naval Air Station, or one mile west and one mile south of Yoder. The meeting is open to the public.

Robert Senecal Executive Director

Doc. No. 014435

State of Kansas

Kansas Advocacy and Protective Services

Notice of Meeting

The Kansas Advocacy and Protective Services will conduct a meeting of the Protection and Advocacy for Individuals with Mental Illness Advisory Council at 3 p.m. Wednesday, February 16, at the Washburn University Law School, Room 119, 17th and MacVicar, Topeka. Opportunity is provided for oral or written public comment on the priorities established by and activities of the protection and advocacy system. For more information, call (913) 776-1541.

Joan Strickler Executive Director

Doc. No. 014429

State of Kansas

Kansas Agricultural Value-Added Processing Center

Notice of Leadership Council Meeting

The Leadership Council of the Kansas Agricultural Value-Added Processing Center will convene for a board meeting at 1 p.m. Friday, February 18, at the Security Benefit Building, 700 S.W. Harrison, Heritage Room, 4th Floor, Topeka. For further information, contact Susan J.G. Wollesen, Assistant Director, at (913) 532-7033.

Richard R. Hahn Director

Doc. No. 014430

State of Kansas

Pooled Money Investment Board

Notice of Meeting

The Pooled Money Investment Board will meet at 2 p.m. Wednesday, February 16, in the State Treasurer's Office, Room 203, Landon State Office Building, 900 S.W. Jackson, Topeka. All meetings of the board are open to the public. For more information, contact Diane Gates at (913) 296-3372.

Sally Thompson Chairman

Doc. No. 014448

The Kansas Register (ISSN No. 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$60 (Kansas residents must include \$3.54 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

Postmaster. Send change of address form to Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594.
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PUBLISHED BY
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2nd Floor, State Capitol
300 S.W. 10th Ave.
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Kansas Register Office: 235-N, State Capitol (913) 296-3489

Board of Mortuary Arts

Notice of Meeting and Examination

The Kansas State Board of Mortuary Arts will meet Thursday-Friday, March 31-April 1, in Topeka. The March 31 meeting will begin at 9 a.m. at the board office, Suite 904, 700 S.W. Jackson, Topeka. The April 1 meeting will begin at 9 a.m. with the administering of the funeral director examination at the Downtown Holiday Inn City Centre.

> Mack Smith **Executive Secretary**

Doc. No. 014422

State of Kansas

University of Kansas

Request for Proposals

The University of Kansas is seeking proposals from individuals or firms interested in entering into a lease arrangement or joint venture to operate up to three low power television channels owned by the University of Kansas in metropolitan Kansas City. Two channels are located in Bonner Springs and one is located at the University of Kansas Medical Center. The university will select one or more contractors beginning April 1.

Individuals or firms interested in submitting proposals should contact Dr. Robert Senecal, Dean of Continuing Education, University of Kansas, Lawrence 66045 by 5 p.m. March 1.

> Dr. Robert Senecal Dean of Continuing Education

Doc. No. 014427

State of Kansas

Corporation for Change

Request for Proposals

The Corporation for Change announces a request for proposals for fiscal year 1995 grants in two programs.

The Permanent Families Fund makes available funding for Court-Appointed Special Advocates (CASA) programs and Citizen Review Boards (CRB). CRB has also been known as Foster Care Review in some areas. This funding is available for existing programs as well as start-up grants. Submission deadline is April 8 for the Permanent Families Fund.

The Kansas Family and Children Trust Fund supports local projects addressing the broad range of child abuse and neglect prevention activities and implementing strategies contained in the Blueprint. Submission deadline is March 25 for the Children Trust Fund.

For further information, contact the Corporation for Change, Suite 902, 700 S.W. Jackson, Topeka 66603, (913) 296-4300.

> Jolene M. Grabill **Executive Director**

State of Kansas

Independent Living Advisory Council

Notice of Meeting

The Independent Living Advisory Council will meet from 9 a.m. to 3 p.m. Wednesday, February 16, at the Kansas Medical Society, 623 S.W. 10th, Topeka.

> Gina McDonald Interim Chairperson

Doc. No. 014428

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 65-34,117(b), records of the Division of Accounts and Reports show the unobligated balances are \$6,333,287.63 in the underground petroleum storage tank release trust fund and \$7,618,327.77 in the aboveground petroleum storage tank release trust fund at January 31, 1994.

> Susan M. Seltsam Secretary of Administration

Doc. No. 014432

State of Kansas

Board of Agriculture Division of Water Resources

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Thursday, March 17, in the Kansas State Historical Society Auditorium, 120 W. 10th, Topeka, to consider the adoption of proposed changes in four existing rules and regulations and the adoption of six new regulations of the Division of Water Resources.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, 901 S. Kansas Ave., 2nd Floor, Topeka 66612-1283. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These new and amended regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and their economic impact follows:

5-1-1. Definitions. This regulation amends the definition of "battery of wells," "household purposes," "industrial use," "irrigation use," "municipal

use" and "stockwatering use." Definitions of "primary well," "safe-yield," "standby well," "term permit" and "water use correspondent" have been added. This regulation is not expected to result in a significant fiscal impact to governmental entities or to water users.

5-1-2. Standby well. This new regulation sets standards for a "standby well." This regulation is not expected to result in a significant fiscal impact to governmental entities or to water users.

5-3-4a. Hearing prior to approval of application. The amendment to this regulation primarily deleted a reference to a hearing procedure that was changed by statute. The amendment slightly broadens criteria for hearings on a new application to appropriate water. This regulation is not expected to result in a significant fiscal impact to governmental entities or to water users.

5-3-5e. Meters and other measuring devices. This new regulation requires that whenever a flow meter has been required, the owner report the beginning and ending meter readings on the annual water user report. It further requires meters to be maintained properly and allows the chief engineer to require the owner to pay the expense of testing the meter for accuracy no more than once in any one calendar year. The owner will also be required to notify the chief engineer whenever a meter is replaced. The option of the chief engineer requiring the owner to test the accuracy of the meter on a periodic basis will have the effect of allowing additional spot testing of meter accuracy to be done. It is estimated that each meter test paid for by the owner will cost approximately \$85 to \$225, depending on what type of test is necessary to check the accuracy of a meter in a particular installation.

5-4-4. Well spacing. This new regulation sets well spacing requirements for all areas that were previously not set by regulation or intensive groundwater use control area orders. This regulation currently implements existing policy except for the lower cretaceous aquifer. In the confined lower cretaceous aquifer, the proposed spacing between wells will be four miles unless the applicant can demonstrate to the satisfaction of the chief engineer that a lessor spacing will be adequate to prevent impairment. This regulation is not expected to result in a significant fiscal impact to governmental entities or to water users, unless it causes water users' applications to be denied or modified. Engineering work to justify a closer well spacing could be a significant cost to the applicant.

5-7-1. Due and sufficient cause for non-use. This regulation is being amended to add additional circumstances which shall be considered due and sufficient cause under the abandonment statute, K.S.A. 82a-718. The additional circumstances added include enrollment in certain multi-year federal or state conservation programs; enrollment in the water right conservation program; placement of the point of diversion in a standby status; physical problems with the point of diversion, distribution system, place of use or the operator; and conditions beyond the control of the owner which prevent access to the authorized place of use or point of

diversion as long as the owner is taking reasonable affirmative action to gain access and use of an alternate source of supply. The regulation also clarifies that once a verified report of the chief engineer is made a matter of record at an abandonment hearing which establishes non-use of a water right for three or more successive years, the water right owner shall have the burden of showing that there have not been three or more successive years of non-use without due and sufficient cause. This regulation is not expected to result in a significant fiscal impact to governmental entities or to water users. The number of abandonment hearings might be decreased because of the additional reasons constituting due and sufficient cause.

5-7-3. Hearing. The hearing procedure for abandonment hearings was revoked because the act has been placed under the Kansas Administrative Procedures Act by statute. This regulation is not expected to result in a significant fiscal impact to governmental entities or to water users.

5-7-4. Water rights conservation program. This new regulation sets forth the procedure for enrollment in the Water Rights Conservation Program. Successful enrollment in the plan for a period of five to ten years shall guarantee that as long as the contract is not broken, all of the years for which a water right is duly enrolled in the Water Rights, Conservation Program shall constitute due and sufficient cause in any aban. donment proceeding. This regulation will allow water right owners who wish to conserve water in areas of the state that are closed to new appropriation, or in other areas where the chief engineer deems it to be in the public interest, to sign up their water rights in the program, to not use those water rights for the period of enrollment, and to be guaranteed the water rights will not be lost for abandonment during that period. This regulation is not expected to result in a significant fiscal impact to governmental entities. Water users who enroll in the program will see significant savings in costs of operation and possible hearing

5-11-1 and 5-11-2. Definitions, determination of significant benefits in an assurance district. These regulations set forth a procedure whereby an assurance district member who is no longer receiving significant benefits from the district may be removed as a member. These regulations are not expected to result in a significant fiscal impact to governmental entities. A water user which is removed from a district will be relieved of the financial obligation incurred as a result of membership.

Copies of the regulations and their economic impact statements may be obtained from the Division of Water Resources at the address above, (913) 296-4623.

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Phillip A. Fishburn
Acting Secretary of Agriculture

Doc. No. 014434

HARAT SWOOD REPORTED

Abstracters' Board of Examiners

Notice of Examination

An examination for persons desiring to secure registration and become subject to license to engage in the business of making, compiling or completing and selling abstracts of title to real estate in Kansas will be conducted by the Abstracters' Board of Examiners at 8 a.m. Friday, March 11, at the Marcus Center for Continuing Education, Wichita State University, 4201 E. 21st, Wichita.

In order to take the exam, an application and \$45 examination fee must be submitted by March 4 to the executive secretary of the Abstracters' Board of Examiners, P.O. Box 549, Hugoton 67951.

Glen R. McQueen Executive Secretary

Doc. No. 014439

State of Kansas

Attorney General

Opinion No. 94-4

Public Health—Controlled Substances; Forfeitures; Procedure—Forfeitures of Property Under K.S.A. 65-4135 or 65-4156; State Special Asset Forfeiture Fund; Authorized Expenditures; Use for Matching Funds. Brent Bengtson, Director, Governor's Office of Drug Abuse Programs, Topeka, January 20, 1994.

Money in local special law enforcement trust funds or the state special asset forfeiture fund may be used to provide matching funds to obtain federal grants for law enforcement purposes, as long as such use does not replace or reduce amounts previously budgeted or appropriated by the local or state government for that purpose. Cited herein: K.S.A. 65-4173. JLM

Opinion No. 94-5

Counties and County Officers—Parks, Museums, Lakes and Recreational Grounds; Wyandotte County—Deputy Sheriffs for Enforcement of Park Regulations; Park Rangers' Authority Outside the Park Grounds. Representative Pat Huggins Pettey, 31st District, Kansas City, January 21, 1994.

Park rangers deputized by the county sheriff have full authority to enforce the laws inside the park grounds, but they have no enforcement authority outside the limits of the park and any recreational areas. Cited herein: K.S.A. 19-805; 19-2858; K.S.A. 1992 Supp. 22-2202; K.S.A. 74-5602. NKF

Opinion No. 94-6

Personal and Real Property—Real Estate Brokers and Salespersons—Licensure Required; Exemptions; Attorney. Representative Tim Carmody, 16th District, Overland Park, January 26, 1994.

The "attorney exemption" to the real estate broker and salesperson license act is limited to those professional activities which are encompassed within and incidential to the practice of law in the context of any attorney-client relationship. Cited herein: K.S.A. 1993 Supp. 58-3034; 588-3035; 58-3036; 58-3038. CN

Opinion No. 94-7

Cities and Municipalities—Code for Municipal Courts; Proceedings After Arrest and Prior to Trial—Municipal Diversion Agreements.

Public Records, Documents and Information—Records Open to Public—Provisions of Diversion Agreements. Robert J. Watson, Overland Park City Attorney, Overland Park, January 27, 1994.

The Kansas open records act (KORA) declares that public records are generally open to the public unless mandatorily or permissibly closed by law. A diversion agreement entered into by the city prosecutor and a first-time DUI offender is a public record for purposes of the KORA. There is no express language in the municipal diversion statutes to make the terms of diversion agreements confidential. Further, there is no exception applicable to DUI diversion agreements under K.S.A. 1992 Supp. 45-221. The DUI diversion agreements are not criminal history record information, which generally is closed to the public, according to the definition in K.S.A. 1992 Supp. 22-4701. Therefore, DUI diversion agreements maintained by public agencies are public records which must be disclosed upon request. Cited herein: K.S.A. 8-1567, as amended by L. 1992, ch. 298, § 1 and as amended by L. 1993, ch. **259,** § 8; K.S.A. 12-4413; 12-4415; 12-4416; 12-4418; K.S.A. 1992 Supp. 22-4701; 22-2911, as amended by L. 1993, ch. 166, § 3; 45-217; 45-221; K.S.A. 65-2422; 74-2012. NKF

Opinion No. 94-8

Taxation—Property Valuation, Equalizing Assessments, Appraisers and Assessment of Property—Contracts for Assistance in Collecting Taxes. Senator Alfred Ramirez, 5th District, Bonner Springs; Senator Carolyn Tillotson, 3rd District, Leavenworth; Representative Clyde D. Graeber, 41st District, Leavenworth; Representative L. Candy Ruff, 40th District, Leavenworth; Representative Kenny A. Wilk, 42nd District, Lansing, January 27, 1994.

Counties are authorized under K.S.A. 19-425 to hire experts to assist in the proper assessment of personal property. Contracts for such purposes are not void as against public policy even if there is no stated cap on the amount of contingency fees to be paid for such services. A county may agree to base the fee for such services on the amount of tax revenues collected without the acquiescence of other taxing subdivisions interested in the taxes. A county may request issuance of subpoenas for records or documents reasonably believed to be useful in identifying and determining the value of property located within the county. A county has no authority, however, to forgive any penalties imposed pursuant to K.S.A. 1993 Supp. 79-1427a. Cited herein: K.S.A. 19-101; K.S.A. 1993 Supp. 19-101a; K.S.A. 19-101c; 19-425; K.S.A. 1993 Supp. 79-1427a;

K.S.A. 79-1461; 79-2018; 79-2805; Kan. Const., Art., 11, § 1. JLM

Opinion No. 94-9

Criminal Procedure—Criminal History Record Information—Restrictions on Dissemination of Criminal History Record Information; Penalties; Waiver. Representative Jim D. Garner, 11th District, Coffeyville, January 27, 1994.

Generally, criminal history record information is not open to the public and disclosure is restricted by statute. However, persons may request conviction records on individuals from a criminal justice agency, and the agency may discretionarily disclose the requested records. Cited herein: K.S.A. 1993 Supp. 22-4701; K.S.A. 22-4705; 22-4707; K.A.R. 1992 Supp. 10-11-1; 10-12-1; 10-12-2. NKF

Opinion No. 94-10

Courts—Nonpartisan Selection of Judges of the District Court—Nonlawyer Members of District Judicial Nominating Commission; Prohibition Concerning Holding an Office. Carol G. Green, Clerk, Kansas Supreme Court, Topeka, February 1, 1994.

A county commissioner may not be appointed to serve as a member of the district judicial nominating commission. Cited herein: K.S.A. 20-2905, K.S.A. 1993 Supp. 20-2906. MF

Robert T. Stephan Attorney General

Doc. No. 014436

State of Kansas

Kansas Arts Commission

Notice of Meeting

The Kansas Arts Commission will conduct its quarterly business meeting from 9 a.m. to 3:30 p.m Friday, February 18, in Navarre Hall at Haskell Indian Nations University in Lawrence.

The commission will review the fiscal year 1994 and 1995 budgets for the agency and adopt a preliminary apportionment plan for FY 95. Action is scheduled upon appointments to funding advisory panels to review applications for FY 95 grants. Staff members will report on the status of commission programs.

Following the meeting will be a reception from 3:45 to 5 p.m. for the three recipients of the Kansas artist fellowships in literature.

Meetings of the Kansas Arts Commission, a state agency, and of its advisory panels are open to public observation.

For more information, contact the Kansas Arts Commission, Suite 1004, Jayhawk Tower, 700 S.W. Jackson, Topeka 66603-3758, (913) 296-3335. Persons with special communication needs may utilize the Kansas Relay Center, 1-800-766-3777.

Dorothy L. Ilgen Executive Director

Doc. No. 014445

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 34,000 cubic yard detention dam, Site III-1 in Bourbon County, will be received by the Mill Creek Watershed District No. 98 at Agricultural Engineering Associates, 102 E. 2nd, Uniontown 66779, until 4 p.m. March 1, and then opened. A copy of the invitation for bids and plans and specifications can be obtained at the engineer's office, (316) 756-4845.

Kenneth F. Kern Executive Director

Doc. No. 014447

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Public Notice No. KS-AG-94-4/6

Name and Address
of Applicant

H. R. Siefker
Route 1, Box 49
McPherson, KS 67460

Negal
Receiving
Water

NW/4, Sec. 36,
Little Arkansas
River Basin
McPherson County

Kansas Permit No. A-LAMP-S015

The existing facility has the capacity for approximately 884 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address Receiving Legal of Applicant Description Water Herman Bolte NE/4, Sec. 25, Neosho River T18S, R2E, Marion Route 2, Box 59 Basin Tampa, KS 67483 County

Kansas Permit No. A-NEMN-B007

The feedlot has capacity for approximately 92 cattle and a contributing drainage area of approximately .6 acres. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of .5 acre-foot.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant Ed Junior Farm Inc. Edward J. Oborny, Jr. Route 1, Box 70 Bison, KS 67520

Legal Description SW/4, Sec. 2,

Receiving Water

Upper Arkansas T18S, R17W, Rush River Basin

County

Kansas Permit No. A-UARH-B003

The feedlot has capacity for approximately 400 cattle and a contributing drainage area of approximately 5.25 acres. This is an expansion of an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 3.05 acre-foot.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Public Notice No. KS-94-4

Name and Address of Applicant

Waterway Arkansas River via Treated

city storm sewer

Type of Discharge

groundwater

Kansas Oil Company 1701 N. Washington Great Bend, KS 67530

Barton County, Kansas Kansas Permit No. I-UA16-P012

Fed. Permit No. KS-0090107

Description of Facility: An air stripper is utilized to treat hydrocarbon contaminated groundwater prior to discharge to the Arkansas River via the city storm sewer. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before March 11 will be considered in the formulation of final

determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-94-4/6 and KS-94-4) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

> Robert C. Harder Secretary of Health and Environment

Doc. No. 014438

State of Kansas

Department of Health and Environment

Notice of Meeting

The Department of Health and Environment will meet at 9 a.m. Tuesday, February 22, at the Kansas Historical Society Auditorium, 120 W. 10th, Topeka. The meeting is open to the public. Telephone hookups are provided at the KDHE district offices located in Chanute, Wichita, Dodge City, Hays, Salina and Lawrence; and the Pittsburg Office of Surface Mining. Any person requiring visual or communication aid or assistance, building access assistance or other similar assistance should contact Mary Ann Cummings at (913) 296-0461 immediately so appropriate arrangements can be made. The agenda includes:

- Secretary's remarks.
- Report from Division of Health.
- Report from Division of Environment.
- Other items.

- Adoption of rules and regulations:

Article 31.—Hazardous Waste Management Standards and Regulations

Amended:

K.A.R. 28-31-1; 28-31-2; 28-31-3; 28-31-4; 28-31-5; 28-31-6; 28-31-8; 28-31-8b; 28-31-9; 28-31-10; 28-31-11; and 28-31-14.

> Robert C. Harder Secretary of Health and Environment

Wildlife and Parks Commission

Notice of Hearing on Proposed **Administrative Regulations**

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, March 17, at the Helvering Center, 111 S. 8th, Marysville, to consider the approval and adoption of several department regulations. There will be a public comment period at the beginning of the evening meeting for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. March 17 at the location listed above. The public will also be given the opportunity to comment on any non-agenda items at the beginning and during the afternoon meeting on agenda items. The meeting will recess at 5 p.m. then resume at 7 p.m. at the same location for the regulatory hearing. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. March 18 at the location listed above.

If notified in advance, the department will have an interpreter available for the hard of hearing. To contact the department for this or any other reason, members of the public with a hearing impairment may call the TDD service at 1-800-766-3777, All public meeting areas are accessible to those who are physically disabled.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed

regulations.

All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations to be heard during the regulatory

hearing portion of the meeting are as follows:

K.A.R. 115-4-6. Deer; management units. This permanent regulation is proposed for amendment. The amendment performs an adjustment to the boundary between units 12 and 14.

Economic Impact Summary: The amendment will have no economic impact.

K.A.R. 115-4-7. Elk, legal equipment, taking methods, and general provisions. This permanent regulation is proposed for amendment. The waiting period between certain types of elk hunting permits is proposed for adjustment.

Economic Impact Summary: No economic impact is anticipated.

K.A.R. 115-25-5. Turkey; fall season bag limit and permits. This proposed exempt regulation will establish the fall archery and firearm turkey hunting seasons, hunting units, permit allowances, and bag limits. Application dates are included. A new firearms unit is proposed in northeast Kansas.

Economic Impact Summary: The department will realize revenue based on the number of permits actually issued. Certain businesses will benefit from sportsmen hunting turkeys. Revenue to the department represents a cost to sportsmen; however, such cost is vol-

untary for sportsmen.

K.A.R. 115-25-7. Antelope; open season, bag limit and permits. This proposed exempt regulation will establish the fall archery and firearms antelope seasons, hunting units, permits allowances and bag limits. Application dates are included.

Economic Impact Summary: The department will realize revenue based on the number of permits actually issued. Certain businesses will benefit from sportsmen hunting antelope. Revenue to the department represents a cost to sportsmen; however, such cost is voluntary for sportsmen.

K.A.R. 115-25-8. Elk; open season, bag limit and permits. This proposed exempt regulation will establish the fall elk hunting season, hunting areas, permit allowances, and bag limits. Application dates are included.

Economic Impact Summary: The department will realize revenue based on the number of permits actually issued. Certain businesses will benefit from sportsmen hunting elk. Revenue to the department represents a cost to sportsmen; however, such cost is voluntary for sportsmen.

K.A.R. 115-25-9. Deer; regular open season, bag limit and permits. This proposed exempt regulation will establish the regular fall archery and firearm deer seasons and bag limits. Application dates are included.

Economic Impact Summary: The department will realize revenue based on the number of permits actually issued after authorized numbers are established by secretary's orders. Certain businesses will benefit from sportsmen hunting deer. Revenue to the department represents a cost to sportsmen; however, such cost is voluntary for sportsmen.

K.A.R. 115-30-10. Personal watercraft, definition, requirements and restrictions. This proposed new permanent regulation defines a personal watercraft and addresses the wearing of PFD's, use of lanyards, time of operation, operational restrictions and minimum age of operators. The hearing on this regulation is continued from the January 20, 1994, public hearing in Topeka.

Economic Impact Summary: No economic impact is anticipated.

Copies of the complete text of the regulations and the economic impact statement may be obtained by contacting the chairman of the commission at the address above or by calling (913) 296-2281.

James Holderman Chairman

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for items hereinafter listed will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

Tuesday, February 22, 1994

98126

Department of Revenue—Vision testers

98131

Department of Transportation—Bituminous plant mix, Osage County

98132

Department of Transportation—Bituminous plant mix, Salina

Wednesday, February 23, 1994

98133

Adjutant General's Department—Steel storage building

98134

Topeka State Hospital—Stacking chairs

98143

Department of Transportation—Insecticides, Chanute

98144

Hutchinson Correctional Facility—Toilet compartments and screens

98145

Hutchinson Correctional Facility—Glazing and painting materials

98156

Kansas State University—Corn, milo and soybean meal

Thursday, February 24, 1994 98151

Department of Corrections—Remote control units and twinaxial expansion kit

98153

Kansas Correctional Industries—Fabricate s/steel table tops, Hutchinson

98157

University of Kansas—Paper, printing and binding 98158

Norton Correctional Facility—Locks, cylinders and key machine

98171

State Board of Education—Plain paper copier

Friday, February 25, 1994

A-7239(c)

Department of Human Resources—Restroom remodel, Lawrence

30236

University of Kansas—April (1994) meat products 30237

University of Kansas Medical Center—April (1994) meat products

98159

Kansas Bureau of Investigation—Mainframe, workstation, software and services

98160

Kansas Highway Patrol—Classroom chairs, Salina 98163

University of Kansas Medical Center—Liquid chromatography system

98164

Department of Transportation—Bituminous mixture (Pottawatomie and Wabaunsee counties)

98168

Kansas State School for the Blind—Mini-van with wheelchair conversion

98169

Department of Wildlife and Parks—Trucks
98170

Pittsburg State University—Refrigerated bath and gas chromatograph

98174

University of Kansas Medical Center—Surgical instruments

98175

University of Kansas Medical Center—Defibrillator 98176

Kansas State University—Mainframe processor system

98179

Pittsburg State University—Dorm furniture

Monday, February 28, 1994 98142

Wichita State University—Motion measurement video system

Tuesday, March 1, 1994

A-7343

Lansing Correctional Facility—Roof replacement, various buildings

30234

Statewide—Lamps

98166

University of Kansas Medical Center—Furnish and install superdata multiscan projection system

Friday, March 4, 1994

30235

Statewide—Automobile liability insurance

Monday, March 14, 1994

1 (1819) 30238 LAND A FINE TO THE

Department of Wildlife and Parks—Land lease, Melvern Wildlife Area

> Jack R. Shipman Director of Purchases

Kansas Sentencing Commission

Notice of Meeting

The Kansas Sentencing Commission will meet at 10 a.m. Monday, February 14, in the Court of Appeals Courtroom, second floor, Kansas Judicial Center, 301 W. 10th, Topeka.

> Lisa Moots **Executive Director**

Doc. No. 014446

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 or FAX (913) 532-5632 for additional information.

Tuesday, February 22, 1994. #40110

Portable photosynthesis system

William H. Sesler Director of Purchasing

Doc. No. 014426

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1994 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills Introduced January 27-February 2: House Bills

HB 2759, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1995, for the department of social and rehabilitation services, Kansas neurological institute, Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center, Rainbow mental health facility, Topeka state hospital and Winfield state hospital and training center; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2760, by Committee on Governmental Organization and Elections: An act reorganizing the department of commerce and housing; amending K.S.A. 74-5007a and 74-5008a and K.S.A. 1993 Supp. 74-5010a and repealing the existing sections; also repealing K.S.A. 74-

5045 and 74-5046.

HB 2761, by Representatives Phill Kline, Adkins, Ballard, Bradley, Carmody, Cox, Flower, Freeborn, Gatlin, King, Mason, Mays, Mc-Clure, Mead, Mollenkamp, Morrison, Myers, Neufeld, O'Connor, Packer, Pauls, Pettey, Plummer, Robinett, Scott, M. Smith, Standifer, Tomlinson, E. Wells and Wilk: An act concerning public records; relating to the identity of victims of sex offenses; amending K.S.A. 45-221 and repealing the existing section.

HB 2762, by Committee on Economic Development: An act concerning the imprest fund of the department of commerce and housing; amending K.S.A. 75-3066 and repealing the existing section.

HB 2763, by Representatives Mead, Allen, Boston, Bradley, Bruns, Bryant, Chronister, Cornfield, Correll, Cox, Crabb, Dawson, Donovan, Farmer, Flower, Gatlin, Glasscock, Goodwin, Graeber, Haulmark, Hayzlett, Hendrix, Jennison, Kejr, King, Phill Kline, Lane, Larkin, Lloyd, Long, Lowther, Mason, Mayans, Mays, McClure, McKinney, Mills, Minor, Mollenkamp, Morrison, Myers, Neufeld, Novak, O'Connor, O'Neal, Packer, Pauls, Powers, Robinett, Samuelson, Scott, Shallenburger, Shore, M. Smith, Tomlinson, Vickrey, Webb, E. Wells, Wempe and Wilk: An act concerning school districts; providing for boards of education to authorize certificated employees to read and post certain documents on American history.

HB 2764, by Representative Haulmark: An act concerning crimes and punishment; relating to sentencing grid; amending K.S.A. 1993

Supp. 21-4704 and repealing the existing section.

HB 2765, by Committee on Judiciary: An act concerning the residential landlord and tenant act; relating to the inapplicability of the act; amending K.S.A. 58-2573 and repealing the existing section.

HB 2766, by Representatives Pettey, Bruns, Cox, Dillon, Edlund, Long, Novak, Reardon, Tomlinson and Watson: An act concerning certain deputy sheriffs of Wyandotte county; relating to law enforcement officers; amending K.S.A. 19-2858 and 74-5602 and repealing the existing sections.

HB 2767, by Committee on Education: An act concerning school districts; relating to school records of pupils; amending K.S.A. 72-

5386 and repealing the existing section.

HB 2768, by Representatives Benlon and Pettey, Ballard, Carmody, Cox, Glasscock, Goodwin, Haulmark, Phil Kline, Phill Kline, Lynch, Macy, Majure, Mills, Minor, Myers, O'Connor, Pauls, Plummer, Reardon, Robinett, Rock, Ruff, Sader, Samuelson, M. Smith, Snowbarger, Tomlinson, Welshimer and Wootton: An act concerning school districts; relating to pupil suspensions and expulsions from school; amending K.S.A. 72-8901, 72-8902, 72-8903, 72-8904, 72-8905 and 72-8906 and repealing the existing sections.

HB 2769, by Committee on Public Health and Welfare: An act concerning the department of health and environment; relating to vital statistics; establishing the vital statistics improvement fee fund; amending K.S.A. 1993 Supp. 65-2418 and repealing the existing

section.

HB 2770, by Committee on Public Health and Welfare: An act concerning cosmetology; definitions, instructors' licenses, continuing education requirements and fees; amending K.S.A. 65-1901, 65-1902, 65-1903, 65-1904, 65-1907 and 65-1912 and repealing the existing sections.

HB 2771, by Committee on Public Health and Welfare: An act concerning penalties for violations relating to funeral and cemetery merchandise agreements, contracts and plans; amending K.S.A. 16-305 and repealing the existing section.

HB 2772, by Committee on Public Health and Welfare: An act relating to mortuary arts; concerning unlawful acts and penalties; definitions; amending K.S.A. 65-1703, 65-1705, 65-1713a and 65-1726

and repealing the existing sections.

HB 2773, by Committee on Agriculture: An act abolishing the state fair board and establishing the Kansas state fair board; amending K.S.A. 74-521, 74-522 and 74-523 and repealing the existing sections; also repealing K.S.A. 74-520 and 74-524.

HB 2774, by Committee on Taxation: An act relating to property taxation; concerning the exemption of property leased by a county for local health officer purposes; amending K.S.A. 1993 Supp. 79-

201a and repealing the existing section.

HB 2775, by Representatives E. Wells and Lowther: An act relating to property taxation; providing for property tax payment deferral

for certain persons.

HB 2776, by Representative E. Wells: An act concerning social welfare; establishing a program of special financial assistance grants to certain public assistance recipients who implant certain long-lasting contraceptives; prescribing powers, duties and functions for the secretary of social and rehabilitation services.

HB 2777, by Representative Bruns: An act amending the Kansas code for care of children; concerning taking children into custody; amending K.S.A. 38-1527 and repealing the existing section.

HB 2778, by Representative Bruns: An act amending the Kansas withholding and declaration of estimated tax act; amending K.S.A. 79-32,101 and repealing the existing section.

HB 2779, by Representatives Nichols, Adkins, Alldritt, Bradley, Garner, Goodwin, Gross, Larkin, Lynch, Mays, McKechnie, McKinney, Pauls, Reardon, Rock, Ruff, Sawyer, M. Smith, Wagnon, E. Wells and Welshimer: An act concerning contempts of court; amending K.S.A. 20-1204a and repealing the existing section.

HB 2780, by Committee on Transportation: An act regulating traffic; concerning the length of certain vehicles; amending K.S.A. 8-

1904 and repealing the existing section.

HB 2781, by Committee on Transportation: An act regulating traffic; concerning road construction zones; imposing certain penalties; amending K.S.A. 8-2004 and K.S.A. 1993 Supp. 8-1486 and 8-2118 and repealing the existing sections.

HB 2782, by Committee on Taxation: An act relating to property taxes; concerning notices, statements and information required to be furnished to taxpayers; amending K.S.A. 1993 Supp. 79-2001 and

repealing the existing section.

HB 2783, by Committee on Local Government: An act concerning the insurance commissioner; relating to an educational campaign

concerning fire control in public warehouses.

HB 2784, by Committee on Local Government: An act concerning open meetings; relating to the definition of meeting; amending K.S.A. 75-4317 and 75-4317a and repealing the existing sections.

HB 2785, by Committee on Judiciary: An act concerning civil procedure; relating to civil liability for serving minors alcoholic

beverages.

HB 2786, by Public Health and Welfare: An act relating to durable power of attorney for health care decisions; relating to immunity standards for disposition of dead bodies; amending K.S.A. 1993 Supp. 58-629 and repealing the existing section.

HB 2787, by Public Health and Welfare: An act concerning physical therapists and physical therapist assistants; amending K.S.A. 65-2906

and 65-2913 and repealing the existing sections.

HB 2788, by Representatives Bradley, Adkins, Alldritt, Bruns, Bryant, Carmody, Chronister, Cornfield, Cox, Crabb, Dean, Donovan, Empson, Everhart, Farmer, Garner, Gilbert, Glasscock, Grant, Gross, Henry, Hochhauser, Jennison, Kejr, King, Phill Kline, Krehbiel, Lane, Larkin, Lloyd, Long, Lynch, Macy, Majure, Mayans, Mays, McClure, McKechnie, McKinney, Minor, Morrison, Myers, Neufeld, Nichols, O'Connor, Packer, Pauls, Pettey, Pottorff, Powers, Reardon, Rezac, Robinett, Rock, Ruff, Rutledge, Sawyer, Sebelius, Shallenburger, Shore, M. Smith, Snowbarger, Standifer, Toplikar, Van Fleet, Vickrey, Wagle, Wagnon, Webb, Weiland, Weinhold, E. Wells, J. Wells, Welshimer, Wempe, Wiard, Wilk and Wootton: An act concerning crimes and punishment; enacting a life imprisonment sentence for persistent offenders; amending K.S.A. 1993 Supp. 21-4603d and 22-3717 and repealing the existing sections; also repealing K.S.A. 1993 Supp. 21-4603e.

HB 2789, by Representatives M. Smith, Bradley, Everhart, Mays, Nichols, Packer, Wagnon and Wootton: An act relating to property taxation; concerning the dates of mailing statements and delivery of tax rolls; amending K.S.A. 79-1803 and K.S.A. 1993 Supp. 79-2001

and repealing the existing sections.

HB 2790, by Representative Heinemann: An act concerning special education; authorizing grants of state moneys to school districts as reimbursement for extraordinarily excessive costs of services pro-

vided for certain exceptional children.

HB 2791, by Representative Wagnon: An act relating to sales taxation; exempting certain sales of utility services for use in the severing of oil; amending K.S.A. 1993 Supp. 79-3606 and repealing the existing section; also repealing K.S.A. 1993 Supp. 79-3606a and 79-

HB 2792, by Representative E. Wells: An act relating to nursing pools; providing for registration thereof; establishing minimum standards for the operation of nursing pools; providing for administration by the board of nursing.

HB 2793, by Representative McKechnie: An act relating to the taxation of motor vehicles; amending K.S.A. 1993 Supp. 79-5105 and

repealing the existing section.

HB 2794, by Representatives Samuelson, Benlon, Boston, Cox, Crowell, Freeborn, Glasscock, Hayzlett, Lloyd, Mason, Mays, Mead, Mollenkamp, Robinett, Scott, Shore and E. Wells: An act concerning cities and counties; relating to emergency telephone services; amending K.S.A. 12-5301, 12-5302 and 12-5303 and repealing the existing sections.

HB 2795, by Representatives Adkins, Ballard, Brown, Glasscock, Haulmark, Plummer and Robinett: An act concerning public water

supply systems; relating to backflow prevention devices; amending K.S.A. 65-171m and 65-171r and repealing the existing sections.

HB 2796, by Representative Freeborn: An act relating to community colleges; authorizing the imposition of a retailers' sales tax by the governing body thereof; providing authorities and duties for the department of revenue relating thereto; amending K.S.A. 71-204 and repealing the existing section.

HB 2797, by Committee on Energy and Natural Resources: An act concerning wildlife and parks; relating to certain licenses and permits; establishing a penalty assessment for certain violations and providing for disposition of revenues therefrom; amending K.S.A. 32-901, 32-906, 32-919, 32-988, 32-990, 32-991, 32-992 and 32-1054 and K.S.A. 1993 Supp. 20-350 and 20-2801 and repealing the existing

HB 2798, by Representative McKechnie: An act abolishing the emergency medical services board and the position of administrator of the board; transferring the powers, duties and functions thereof to the secretary of the department of health and environment; amending K.S.A. 65-6113, 65-6126, 65-6127, 65-6128, 65-6129a, 65-6129b, 65-6130, 65-6132 to 65-6136, inclusive, 65-6138, 65-6139, 65-6140 and 65-6151 and K.S.A. 1993 Supp. 65-6110, 65-6111, 65-6112, 65-6129 and 65-6149 and repealing the existing sections; also repealing K.S.A. 65-6101 to 65-6109, inclusive, 65-6122 and 65-6148.

HB 2799, by Representative Heinemann: An act relating to mortgage registration fees; amending K.S.A. 1993 Supp. 79-3102 and

repealing the existing section.

HB 2800, by Committee on Local Government: An act concerning disasters; relating to emergency preparedness and disaster assistance; imposing a surcharge on certain insurance policies and providing for the proceeds to be used for emergency preparedness and

disaster assistance purposes.

HB 2801, by Representatives O'Connor, Bryant, Carmody, Chronister, Cornfield, Cox, Donovan, Farmer, Freeborn, Gatlin, Glasscock, Haulmark, Hayzlett, Jennison, Kejr, Phill Kline, Lloyd, Mason, Mays, Mead, Mollenkamp, Myers, Neufeld, O'Neal, Packer, Robinett, Samuelson, Scott, Shallenburger, Shore, M. Smith, Snowbarger, Toplikar, Vickrey, Wagle and E. Wells: An act relating to the use of postage paid for with state funds; prohibiting certain actions and prescribing penalties for the violation thereof; amending K.S.A. 1993 Supp. 21-3911 and repealing the existing section.

HB 2802, by Representatives Snowbarger, Adkins, Allen, Benlon, Boston, Bradley, Brown, Bryant, Chronister, Cornfield, Cox, Crabb, Crowell, Dawson, Donovan, Empson, Farmer, Flower, Freeborn, Gatlin, Glasscock, Goossen, Graeber, Haulmark, Hayzlett, Hendrix, Jennison, Kejr, King, Phil Kline, Phill Kline, Lane, Lawrence, Lowther, Macy, Majure, Mason, Mayans, Mays, McKinney, Mead, Mollenkamp, Morrison, Myers, Neufeld, O'Connor, O'Neal, Packer, Plummer, Pottorff, Robinett, Sader, Samuelson, Scott, Shallenburger, Shore, M. Smith, Tomlinson, Toplikar, Vickrey, Wagle, E. Wells and Wilk: An act telating to sales taxation; exempting certain sales of fees and charges for participation in youth sports activities; amending K.S.A. 1993 Supp. 79-3603 and repealing the existing section.

HB 2803, by Representative E. Wells: An act concerning social welfare; establishing a subacute care program of health services for

special needs clients.

HB 2804, by Representative E. Wells: An act concerning licensure of adult care home administrators; amending K.S.A. 1993 Supp. 65-3504 and repealing the existing section.

HB 2805, by Committee on Taxation: An act relating to records of the division of vehicles; concerning fees charged for information from such records; amending K.S.A. 74-2012 and repealing the existing section.

HB 2806, by Representatives Glasscock and Hochhauser: An act concerning extension districts; amending K.S.A. 2-623, 2-624 and 2-

628 and repealing the existing sections.

HB 2807, by Representative Adkins: An act concerning cities; relating to the construction and financing of certain improvements; amending K.S.A. 12-685, 12-689 and 12-690 and repealing the existing sections.

HB 2808, by Representative Dean: An act relating to sales taxation; exempting sales of tangible personal property and services to certain religious organizations; amending K.S.A. 1993 Supp. 79-3606 and repealing the existing section; also repealing K.S.A. 1993 Supp. 79-3606a and 79-3606b.

(continued)

HB 2809, by Representatives Powers and Wempe: An act relating to the taxation of motor vehicle fuels; exempting certain special fuels; amending K.S.A. 1993 Supp. 79-3408 and repealing the existing

HB 2810, by Representatives Shore and Snowbarger, Allen, Benlon, Boston, Bradley, Bryant, Carmody, Chronister, Cox, Crabb, Crowell, Dawson, Donovan, Empson, Farmer, Flower, Freeborn, Gatlin, Glasscock, Graeber, Haulmark, Hayzlett, Holmes, Jennison, Kejr, King, Phill Kline, Lane, Lloyd, Mayans, Mays, Mead, Mollenkamp, Morrison, Myers, Neufeld, O'Connor, O'Neal, Packer, Pottorff, Powers, Robinett, Samuelson, Scott, M. Smith, Vickrey, Wagle, E. Wells and Wilk: An act concerning administrative rules and regulations; altering the effective dates thereof; amending K.S.A. 77-416 and repealing the existing section.

HB 2811, by Representative Neufeld: An act classifying creatures of the ratite family such as ostriches, emus and rheas as livestock; amending K.S.A. 47-607, 47-635, 47-1001, 47-1402, 47-1801 and 47-1804 and K.S.A. 1993 Supp. 22-4807 and 65-6a18 and repealing the

existing sections.

HB 2812, by Representatives Henry and Weiland: An act concerning flood control; relating to the distribution of lease moneys; amending K.S.A. 27-117 and repealing the existing section.

HB 2813, by Representative Plummer: An act concerning the district courts; relating to judges pro tem; amending K.S.A. 1993 Supp.

20-310a and repealing the existing section.

HB 2814, by Representatives M. Smith, Everhart and Packer: An act relating to roads and highways; concerning the allocation of special city and county highway funds in Shawnee county; amending K.S.A. 79-3425c and repealing the existing section.

HB 2815, by Representatives Everhart, Bradley, Mays, Packer, Sebelius, M. Smith and Wootton: An act concerning school district finance; affecting the definition of enrollment; amending K.S.A. 1993

Supp. 72-6407 and repealing the existing section.

HB 2816, by Representatives Everhart, Bradley, Mays, Sebelius and Wootton: An act concerning children; relating to compulsory school attendance requirements; amending K.S.A. 72-1111 and 72-1113 and repealing the existing sections.

HB 2817, by Representatives Everhart, Bradley, Mays, Nichols, Sebelius, Wagnon and Wootton: An act requiring the establishment of school attendance review boards in school districts; providing for

the powers and duties thereof.

HB 2818, by Representatives Everhart, Bradley, Mays, Nichols, Packer, Sebelius and Wootton: An act concerning schools; relating to compulsory attendance of children; affecting compliance requirements; authorizing certain actions to be taken in cases of noncompliance; amending K.S.A. 72-1111 and 72-1113 and repealing the existing sections.

HB 2819, by Committee on Energy and Natural Resources: An act concerning pollution control; relating to regulation of certain sludges and residues; requiring certain permits; amending K.S.A. 65-161, 65-163, 65-164, 65-165, 65-166, 65-166a, 65-167, 65-169, 65-170, 65-170b, 65-170g and 65-171d and repealing the existing sections; also re-

pealing K.S.A. 65-170a.

HB 2820, by Committee on Energy and Natural Resources: An act concerning pollution control; relating to regulation of certain sludges and residues; requiring certain permits; amending K.S.A. 65-161, 65-164, 65-165, 65-166, 65-166a, 65-167, 65-169, 65-170, 65-170b, 65-170g and 65-171d and repealing the existing sections; also repealing K.S.A. 65-170a.

HB 2821, by Representative Robinett (By request): An act concerning alcoholic liquor; authorizing certain shipments of wine.

HB 2822, by Representative Shore: An act relating to drivers' licenses; concerning driving while license suspended; amending K.S.A. 1993 Supp. 8-262 and repealing the existing section.

HB 2823, by Representative Helgerson: An act relating to insurance; concerning mammogram coverage; amending K.S.A. 40-2230 and repealing the existing section.

House Concurrent Resolutions

HCR 5032, A concurrent resolution designating Osage County as the water-sports capital of Kansas.

House Resolutions

HR 6005, A resolution in memory of Robert A. Finney. HR 6006, A resolution in memory of Wanda Fuller.

Senate Bills

SB 616, by Committee on Judiciary: An act concerning crimes and punishment; relating to restitution; amending K.S.A. 1993 Supp. 21-4610 and 22-3718 and repealing the existing sections; also repealing K.S.A. 1993 Supp. 21-4610b.

SB 617, by Committee on Judiciary: An act concerning crimes and punishment; relating to criminal discharge of a firearm at an unoccupied dwelling; penalties therefor; amending K.S.A. 1993 Supp.

21-4219 and repealing the existing section.

SB 618, by Committee on Judiciary: An act concerning crimes and punishment; creating the crimes of failure to register an aircraft, fraudulent aircraft registration and fraudulent acts relating to aircraft

identification numbers; providing penalties therefor.

SB 619, by Joint Committee on Special Claims Against the State: An act concerning certain claims against the state; making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

SB 620, by Committee on Assessment and Taxation: An act relating to property taxation; providing for payment of interest and reimbursement for legal service costs on and associated with refunds of protested taxes; amending K.S.A. 1993 Supp. 79-2005 and repealing the existing section.

SB 621, by Senator Lawrence: An act concerning school district finance; affecting the determination of program weighting; defining advanced placement program; establishing advanced placement program funds; amending K.S.A. 72-6413 and K.S.A. 1993 Supp. 72-

6409 and repealing the existing sections.

SB 622, by Senators Bond and Praeger: An act relating to insurance; health benefit plans; amending K.S.A. 40-2239, 40-2240, 40-2241, 40-2242 and 40-2243 and repealing the existing sections; also

repealing K.S.A. 40-2244, 40-2245, 40-2246 and 40-2247.

SB 623, by Senators Bogina, Emert, Frahm, Hardenburger, Kerr, Parkinson, Reynolds and Steffes: An act relating to income taxation; concerning the taxation of retirement benefits of governmental employees; amending K.S.A. 12-111a, 13-14a10, 14-10a10, 74-4923, 74-4978g, 74-49,105 and 74-49,106 and K.S.A. 1993 Supp. 12-5005, 20-2618, and 79-32,117 and repealing the existing sections.

SB 624, by Senators Bogina, Emert, Frahm, Hardenburger, Qarkinson, Praeger and Steffes: An act concerning the Kansas public employees retirement system; relating to postretirement benefit

SB 625, by Committee on Financial Institutions and Insurance: An act relating to group-funded workers compensation pools; premium deposits; selection of trustees; amending K.S.A. 44-585 and 44-591 and repealing the existing sections.

SB 626, by Committee on Public Health and Welfare: An act directing the secretary of social and rehabilitation services to appoint a managed care task force to study the feasibility of implementing a pilot managed care program for medicaid eligible residents in Wyandotte county.

SB 627, by Committee on Federal and State Affairs: An act concerning certain deputy sheriffs of Wyandotte county; relating to law enforcement officers; amending K.S.A. 19-2858 and 74-5602 and re-

pealing the existing sections.

SB 628, by Committee on Judiciary: An act concerning crimes and punishment; relating to arson; amending K.S.A. 1993 Supp. 21-3718

and repealing the existing section.

SB 629, by Committee on Judiciary: An act concerning docket fees; disposition thereof; law enforcement training center fund; amending K.S.A. 28-172a and K.S.A. 1993 Supp. 20-362 and repealing the existing sections.

SB 630, by Senator Corbin: An act concerning community colleges; relating to instruction and courses of study provided at military reservations; providing for the charging of out-district tuition to counties with state educational institutions subject to certain conditions; amending K.S.A. 71-205 and 71-206 and K.S.A. 1993 Supp.

71-609 and repealing the existing sections.

SB 631, by Senators Oleen, Praeger, Brady, Corbin, Downey, Emert, Gooch, Hardenburger, Hensley, Jones, Karr, Langworthy, Lawrence, Lee, Martin, Morris, Papay, Parkinson, Petty, Ranson, Reynolds, Rock, Steffes, Tiahrt, Vancrum, Vidricksen, Walker and Wisdom: An act concerning alcoholic beverages; relating to certain offenses involving minors; amending K.S.A. 41-727 and 41-2615 and repealing the existing sections.

SB 632, by Senators Kerr, Corbin, Harris, Parkinson, Steffes, Tiahrt and Vancrum: An act concerning legislative studies; amending K.S.A. 40-3403 and 40-3415 and K.S.A. 1993 Supp. 74-5001a and 74-5049 and repealing the existing sections; also repealing K.S.A. 40-3403b, 46-1205, 46-1206, 46-1207, 46-1208a, 46-1208b, 46-1604, 46-1801, 46-1901, 46-2001, 46-2002, 46-2201, 72-64a01 and 72-64a02.

SB 633, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1995, for the department of revenue-homestead property tax refunds, department of human resources, Kansas commission on veterans affairs, department of health and environment, department on aging, Kansas healthy kids corporation and corporation for change; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 634, by Committee on Financial Institutions and Insurance: An act relating to municipalities; concerning the investment of proceeds of bonds or notes in the municipal investment pool; amending

K.S.A. 10-131 and repealing the existing section.

SB 635, by Committee on Financial Institutions and Insurance: An act relating to public moneys; concerning the investment thereof; amending K.S.A. 1993 Supp. 12-1675 and repealing the existing

SB 636, by Committee on Financial Institutions and Insurance: An act concerning state moneys; relating to the deposit thereof; amending K.S.A. 75-4215, 75-4217, 75-4220 and 75-4221 and K.S.A. 1993 Supp. 9-1405, 75-3732, 75-4201, 75-4209, 75-4214, 75-4218 and 75-4222 and repealing the existing sections.

SB 637, by Committee on Assessment and Taxation: An act relating to the taxation of motor-vehicle fuels; concerning special fuel exemption permit; amending K.S.A. 1993 Supp. 79-3408e and 79-

3454 and repealing the existing sections.

SB 638, by Senators Martin and Tiahrt: An act concerning abortion; relating to notification of certain persons and informed consent; amending K.S.A. 65-6706 and K.S.A. 1993 Supp. 65-6705 and repealing the existing sections.

SB 639, by Committee on Commerce: An act concerning economic statistics; authorizing surveys of Kansas wage, occupation and un-

deremployment, data.

SB 640, by Senators Ranson, Downey, Emert, Lawrence, Reynolds, Salisbury, Steffes, Tillotson and Vidricksen: An act relating to insurance; concerning mammogram coverage; amending K.S.A. 401 2230 and repealing the existing section,

SB 641, by Senators Ranson, Bogina, Emert, Harris, Reynolds and

Sallee: An act enacting the federal grant review act.

SB 642, by Senators Oleen and Hardenburger: An act authorizing the state board of regents to sell and convey certain real estate located in Riley county, Kansas.

SB 643, by Committee on Judiciary: An act concerning the natural death act; requirements for making declaration; amending K.S.A.

65-28,103 and repealing the existing section.

SB 644, by Committee on Transportation and Utilities: An act amending the Kansas underground utility damage prevention act; concerning certain definitions; amending K.S.A. 1993 Supp. 66-1802 and repealing the existing section.

SB 645, by Committee on Transportation and Utilities: An act concerning municipalities; relating to emergency telephone zervice; amending K.S.A. 12-5301 and 12-5302 and repealing the existing

SB 646, by Committee on Judiciary: An act concerning crimes and punishment; relating to presentence investigation reports; amending K.S.A. 1993 Supp. 21-4714 and repealing the existing section.

SB 647, by Committee on Judiciary: An act concerning domestic

partnership agreements.

SB 648, by Committee on Judiciary: An act providing for licensure to carry certain concealed weapons; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 1993 Supp. 21-4201 and repealing the existing section.

SB 649, by Committee on Judiciary: An act concerning juvenile offenders; relating to dispositional alternatives; jail or conservation camp; amending K.S.A. 38-1663 and repealing the existing section.

SB 650, by Senator Vancrum: An act concerning equity skimming; declaring certain acts to be deceptive acts or practices under the Kansas consumer protection act and providing penalties and remero gybache sallandi setis edies therefor.

SB 651, by Senator Vancrum (By request): An act concerning retirement age of certain judges; amending K.S.A. 1993 Supp. 20-2608 and repealing the existing section.

SB 652, by Committee on Ways and Means: An act relating to space occupied by state agencies; division of budget to maintain database; amending K.S.A. 1993 Supp. 75-3717, 75-3721 and 75-3765

and repealing the existing sections.

SB 653, by Committee on Ways and Means: An act relating to supplemental youth care facilities for juvenile offenders; concerning rules and regulations; relating to the payment of operating expenses for the youth center at Larned; amending K.S.A. 75-3335a and repealing the existing section.

SB 654, by Committee on Ways and Means: An act concerning services for children and families with children; providing for compilation and maintenance of certain information relating thereto; amending K.S.A. 38-1803 and K.S.A. 1993 Supp. 75-3717 and 75-

3721 and repealing the existing sections.

SB 655, by Committee on Ways and Means: An act relating to the state's information resources; concerning the development, management, coordination and planning for the utilization of such resources; establishing the Kansas information resources council and the office of chief information architect and prescribing the powers, duties and authority thereof; amending K.S.A. 75-4705, 75-4706 and 75-4707 and K.S.A. 1993 Supp. 75-4709 and repealing the existing sections

SB 656, by Senators Petty, Downey, Emert, Feleciano, Gooch, Hensley, Jones, Karr, Lee, Martin, Moran, Oleen, Parkinson, Ranson, Rock, Salisbury, Walker and Wisdom: An act concerning crimes and punishment; relating to battery against a law enforcement officer; amending K.S.A. 1993 Supp. 21-3413 and repealing the existing

SB 657, by Senators Petty, Brady, Downey, Emert, Feleciano, Gooch, Hensley, Jones, Karr, Lee, Martin, Moran, Oleen, Parkinson, Ranson, Rock, Salisbury, Walker and Wisdom: An act concerning juvenile offenders; relating to notification of local law enforcement agencies and school districts of such offender's release; amending K.S.A. 38-1671, 38-1673, 38-1675 and 38-1676 and repealing the existing sections.

SB 658, by Committee on Federal and State Affairs: An act concerning gubernatorial inaugurations; relating to contributions and expenditures therefor; requiring certain reports and prohibiting cer-

tain acts and providing penalties for violations.

SB 659, by Senators Petty, Brady, Downey, Feleciano, Gooch, Hensley, Jones, Karr, Martin, Walker and Wisdom: An act concerning school district finance; affecting at-risk pupil weighting; amending K.S.A. 72-6414 and K.S.A. 1993 Supp. 72-6407 and repealing the existing sections.

SB 660, by Senators Petty, Brady, Downey, Feleciano, Gooch, Hensley, Jones, Karr, Lee, Martin, Rock and Walker: An act concerning crimes and punishment; relating to criminal provision or permission of a juvenile to possess a firearm; prescribing a penalty therefor, amending K.S.A. 1993 Supp. 21-4203 and repealing the

existing section.

SB 661, by Senators Petty, Brady, Downey, Feleciano, Hensley, Jones, Karr, Lee, Martin, Rock, Walker and Wisdom: An act concerning crimes and punishments; relating to authorized dispositions; revocation of driving privileges for persons convicted of crimes or persons adjudicated as juvenile offenders; amending K.S.A. 8-256 and 38-1663 and K.S.A. 1993 Supp. 21-4603e and repealing the existing sections; also repealing K.S.A. 1993 Supp. 21-4603d.

SB 662, by Senator Petty: An act concerning the state educational institutions under the control and supervision of the state board of regents; relating to residence of students for fee purposes; providing for enrollment of certain nonresident persons at resident rates; amending K.S.A. 1993 Supp. 76-729 and repealing the existing

Senate Concurrent Resolutions

SCR 1620, A concurrent resolution requesting the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States requiring the federal government to pay costs incurred by states in providing programs and services mandated or required by the federal unga Profitable government.

Office of Judicial Administration Court of Appeals Docket

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals Snell Courtroom, Green Hall University of Kansas School of Law Lawrence, Kansas

Before Briscoe, C.J.; Larson and Royse, JJ.

Wednesday, February 23, 1994

| Case No. | Case Name | 9:00 a.m. Attorneys | County |
|--------------|---|--|---------------------------------------|
| 69,692 | Stella Yost, Appellant, | Laurence Jarvis | Wyandotte |
| 69,621 | City of Kansas City, Appellee. Dwayne Hutchins, Appellant, | Mary Ann Neath Timothy A. Toth | Wyandotte |
| | Marquita Tellis, Appellee. | John L. Hampton | · · · · · · · · · · · · · · · · · · · |
| | | 10:00 a.m. | w e |
| 69,979 | Robert Miller, Appellant, | Gary D. White Jr. | Wyandotte |
| | Lee Apparel Co., Inc., Appellee. | Frank D. Menghini | |
| 70,159 SC | In the Matter of the Adoption of A.L.M. | Robert J. Bednar Larry R. Mears | Atchison |
| | | 11:00 a.m. | |
| 70,068 | Patrick Riley, deceased, Appellant, v. National Mills, Inc., et al., Appellees. | Frederick R. Smith Garry W. Lassman Leigh C. Hudson | Crawford |
| | | 1:30 p.m. | |
| 69,736 | Timothy J. Burch, Appellant, | Patrick Lawless | Wyandotte |
| | v. State of Kansas, Appellee. | Attorney General District Attorney | |
| 68,534 | State of Kansas, Appellee, | District Attorney | Wyandotte |
| # (1 · ·) | J.C. Hunt, Appellant. | Attorney General Jean Gilles Phillips | |
| 69,866 | State of Kansas, Appellee, | District Attorney | Wyandotte |
| | v. John J. Thurston, Appellant. | Attorney General Kristine Paredes | |
| | Summary Calen | dar—No Oral Argument | |
| 69,927 | State of Kansas, Appellee, | District Attorney | Wyandotte |
| 1 45 | v. Johnnie L. Hervey, Appellant. | Attorney General Wendy Slayton | |
| 69,761 | In the Interest of W.R.W. and R.L.H. | Michael G. Highland | Wyandotte |
| | | John Knudsen William D. Peters Jr. Kimberley Kellogg | |
| 69,286 | Larry and Jewell Hamm, Appellants, | J.R. Russell | Wyandotte |
| e f | v. City of Kansas City, Appellee. | Kenneth Moore | |
| 69,575 | State of Kansas, Appellee, | District Attorney | Johnson |
| | v. William O. Jewell, Appellant. | Attorney General Rick Kittel | · · · · · · · · · · · · · · · · · · · |

| Court or | Kans | as Register | |
|---|--|--|-----------|
| 70,014 | In the Interest of R.F. and J.M. | Kimberley Kellogg District Attorney Vernon Lewis Philip R. Sedgwick | Wyandotte |
| 69,514 | State of Kansas, Appellee, v. Jeffery L. East, Appellant. | County Attorney Attorney General Jean Gilles Phillips | Coffey |
| 70,397 | In the Matter of Linda Boldridge. | Betty Wright Gunnar A. Sundby | Atchison |
| 69,519 | State of Kansas, Appellee, v. Joe Flores, Jr., Appellant. | County Attorney Attorney General Jessica R. Kunen | Miami |
| 69,781 | Marie Wood, Appellee, | Lawrence M. Gurney | Cowley |
| | Wal-Mart, et al., Appellees, and Workers Compensation Fund, Appellant. | Lyndon W. Vix William E. Dempsey Jeffrey K. Cooper | |
| 70,201 | Farm Credit Bank, Appellee, | Byron E. Springer | Atchison |
| | v. Kenneth Wohlgemuth, et al., Appellants. | William E. Metcalf | |
| . ————————————————————————————————————— | | | |

Kansas Court of Appeals Robinson Courtroom Washburn University School of Law Topeka, Kansas Before Brazil, P.J.; Rulon and Pierron, JJ. Wednesday, February 23, 1994 9:00 a.m.

| Case No. | Case Name | Attorneys | County |
|-----------|---|---|-------------|
| 69,136 | Charlotte Rinsley, Appellant, | Charlotte Rinsley, pro se Deborah Huth | Shawnee |
| | Stormont Vail Reg. Medical Center et al., Appellees. | Thomas L. Theis Wayne T. Stratton | |
| 70,027 | Bill Thornburgh, Appellant, v. | Charles S. Fisher, Jr. Gary E. Laughlin | Shawnee |
| | Bob Storey, et al., Appellees. | Gregory A. Lee | |
| A Section | 10 | :00 a.m. | |
| 69,420 | In the Matter of the Marriage of James Paul Olinde Sr. and Mary Ann Olinde. | Pantaleon Flarez Jr. Alan F. Alderson | Shawnee |
| 69,937 | Richard William Amaro, Appellant, v. Eric Tenpenney, et al., Appellees. | Frank D. Taff Thomas E. Wright Donald Patterson | Shawnee |
| | (4) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1 | :00 a.m. | |
| 69,513 | State of Kansas, Appellee, | County Attorney Attorney General | McPherson |
| A SW CO | Cory L. Lare, Appellant. | Jessica R. Kunen | |
| | 1: | 30 p.m. | |
| 69,639 | State of Kansas, Appellee, | County Attorney | Ellsworth |
| 69,666 | V. Fletcher Brimer, Appellant. | Attorney General Kerry J. Granger | |
| 69,838 | Brian Bay, Appellant, | Randall C. Henry | Saline |
| | Michael Tory Funk, Appellee. | C. Stanley Nelson | (continued) |

Kansas Court of Appeals
Supreme Court Courtroom
Third Floor, Kansas Judicial Center
Topeka, Kansas

Before Brazil, P.J.; Rulon and Pierron, JJ.

Thursday, February 24, 1994

| | 보면 없는데 하는데 보다 하다 있다. | 10:00 a.m. | |
|-----------------|---|--|----------|
| Case No. 69,573 | Case Name State of Vancas Appelles | Attorneys | County |
| / ///// | State of Kansas, Appellee, v. | District Attorney Attorney General | Johnson |
| | Billy Dean Rader, Appellant. | Jean Gilles Phillips | |
| 1 | | 10:30 a.m. | |
| 70,678 | Douglas William Brown, Appellant, | Jessica R. Kunen | Johnson |
| | State of Kansas, Appellee. | Attorney General District Attorney | |
| | Summary Cale | endar—No Oral Argument | |
| 69,905 | In the Interest of L.W. Jr., et al. | Roger Batt | Sedgwick |
| | | Shawn Elliott Sheila C. Maksimowicz | |
| | | Verlin A. Ingram | |
| 69,702 | State of Kansas, Appellee, | County Attorney | Saline |
| | Randy A. Harris, Appellant. | Attorney General Julie Gorenc | |
| 69,888 | State of Kansas, Appellee, | County Attorney | Geary |
| | v. Darryl Manco, Appellant. | Attorney General Jessica R. Kunen | |
| 70,087 | In the Matter of the Marriage of | Robert E. Diehl | Ellis |
| | Rudolph A. Bollig and Deborah M. Bollig. | Glenn R. Braun | |
| 69,609 | State of Kansas, Appellee, | County Attampted Services | |
| 0,,00, | ang garanta an wasan Talah kata menjang ter | County Attorney Attorney General | Lyon |
| | Theodore D. Schmidt, Appellant. | Julie Gorenc | |
| 69,572 | State of Kansas, Appellee, | Debra S. Byrd Attorney General | Sedgwick |
| | Mia C. Alberson, Appellant. | Reid Nelson | |
| 69,751 | Johnny Farmer, Appellant, | Dennis D. Webb | Sedgwick |
| | Gene Thomison, et al., Appellees. | Charles A. O'Hara | |
| 69,745 | State Kansas, Appellee, | Debra S. Byrd | Sedgwick |
| | v. Dwight A. Bradford, Appellant. | Attorney General Kristine Paredes | |
| 69,793 | In the Interest of C.D.G., et al. | Gerald J. Domitrovic | Sodowick |
| | | Paul J. Mohr | Sedgwick |
| · | | Richard L. Dickson | |

Kansas Court of Appeals Court of Appeals Courtroom Second Floor, Kansas Judicial Center Topeka, Kansas

Before Elliott, P.J.; Lewis J.; and David J. King, District Judge, assigned.

Wednesday, February 23, 1994

Case No. Case Name 9:30 a.m.
Attorneys
70,370 David Layne, Appellant, Lynn D. Lauver

Lucas Dohrman, Appellee.

County

James P. Nordstrom

| | | sas negistei | |
|--------------------|--|--|------------------------|
| 69,607 | State of Kansas, Appellee, | County Attorney Attorney General | Geary |
| | James Curtis Davis, Appellant. | Rick Kittel | |
| | | 10:30 a.m. | |
| 69,509 | State of Kansas, Appellee, v. | Debra S. Byrd Attorney General | Sedgwick |
| | Michael W. Utterback, Appellant. | Kristine Paredes | |
| 69,387 | State of Kansas, Appellee, v. | Debra S. Byrd Attorney General | Sedgwick |
| | Russell Carter, Appellant. | Rick Kittle | |
| | and the second of the second o | ndar—No Oral Argument | |
| 69,475 | State of Kansas, Appellee, v. | District Attorney Attorney General | Sedgwick |
| (0 (E0 | Jimmy Moore, Appellant. | Julie Gorenc | |
| 69,673 | State of Kansas, Appellee, | County Attorney Attorney General | Finney |
| | Gerald D. Chapman, Appellant. | | |
| | Before Elliott, P.J.; | Green, J.; and David J. King, ct Judge, assigned. | |
| | | 1:30 p.m. | |
| Case No. | Case Name | Attorneys | County |
| 69,433 | State of Kansas, Appellee. v. Marshall Humphroy, Appellant | Debra S. Byrd Attorney General | Sedgwick |
| 69,690 | Marshall Humphrey, Appellant. | Jessica R. Kunen Steven R. Zinn | Codorniale |
| 07,070 | Cletis R. O'Quinn, Appellant, v. State of Kansas, Appellee. | Attorney General Debra S. Byrd | Sedgwick |
| 69,753 | Michael E. Coberly, Appellant, | Julie Gorenc Attorney General | Sedgwick |
| | State of Kansas, Appellee. | Debra S. Byrd | |
| 69,275 | State of Kansas, Appellee, | Debra S. Byrd | Sedgwick |
| | v. Stephen Reichenberger, Appellant. | Attorney General Jessica R. Kunen | |
| * * | | ndar—No Oral Argument | |
| 70,085 | Leland Schwartz, Appellant, | Thomas A. Dower | Reno |
| | \mathbf{v}_{ullet} | | |
| | John Reed, Appellee. | Raymond F. Berkley | |
| 69,664 | State of Kansas, Appellee, v. | District Attorney Attorney General | Johnson |
| | Khamphanh Pothilat, Appellant. | Hazel Haupt | |
| 70,384 | Dr. J.T. Garner, Appellant, | J.T. Garner, pro se | Washington |
| | Dennis Kraemer, et al., Appellees. | Floyd Sorrick Dennis G. Kraemer, pro se | William Control of the |
| 69,137 | State of Kansas, Appellee, | District Attorney | Johnson |
| | v. Ernest R. Davis, Appellant. | Attorney General Hazel Haupt | |
| | Thursday | y, February 24, 1994 | |
| | Before Lewis, P | .J.; Green, J.; and Ron Rogg, ct Judge, assigned. | |
| Care No | | 9:30 a.m. | |
| Case No. 69,828 | Case Name Michael A. Blackmore, Appellant, | Jessica R. Kunen | County Wyandotte |
| U7,U2U | v. State of Kansas, Appellee. | Attorney General District Attorney | |
| | | | (continue |

| 180 | K | ansas Register | Court of Appeals Docket |
|------------------|---|--|--|
| 69,768 | State of Kansas, Appellee, V. Reginald Berry, Appellant. | District Attorney Attorney General Jessica R. Kunen | Wyandotte |
| 69,929 | State of Kansas, Appellee, v. Jesus V. Medina, Appellant. | District Attorney Attorney General Patrick Lawless | Shawnee |
| | | 11:15 a.m. | 하게 되었다. 이 사람들은 소설 등 하는 경험을 받는다. 상화성의 사는 이 화가 사용하였다. 하다는 이다. |
| 69,177 | State of Kansas, Appellee, v. David Larson, Appellant. | District Attorney Attorney General Hazel Haupt | Johnson |
| 70,108 SC | Patrick Allen Hays, Appellee, V. Koch Ind., et al., Appellants. | George H. Pearson James K. Villamaria D'Ambra M. Howard | Johnson |
| | [18] [18] [18] [18] [18] [18] [18] [18] | Calendar—No Oral Argument | |
| 70,288 | Cindy Payne-Walker, Appellee, v. | arendar—No Ofar Argument | Cowley |
| | Gott Corp., et al., Appellees, and Workers Comp. Fund, Appellant | Vaughn Burkholder Cortland Q. Clotfelter | |
| 69,994 | State of Kansas, Appellee, v. Sean M. Rich, Appellant. | District Attorney Attorney General Rebecca Woodman | Johnson |
| 69,982 | Kansas Coachworks, Inc., Appellee | , Mark A. Corder | Johnson |
| | v. Dale Brewood, Appellant. | William G. Cownie | |
| 69,170 69,478 | State of Kansas, Appellee, v. Tony E. Doles, Appellant. | District Attorney Attorney General Reid Nelson | Johnson |
| 69,737 | State of Kansas, Appellee, v. Mervin L. Graham Jr. Appellant. | District Attorney Attorney General Jessica R. Kunen | Johnson |
| | Before Lewis, | P.J.; Elliott, J.; and Ron Rogg, strict Judge, assigned. 1:30 p.m. | |
| 70,179 | In re Appeal of Gary and Geraldine Grentz from decision of BOTA. | | Marion |
| 69,551 | City of Tonganoxie, Appellee, | Louis M. Clothier | Leavenworth |
| | v. Michael See, Appellant. | Socheata Un | |
| 69,724 | Randolph C. Cabral, Appellant, | Thomas Jacquinot | Reno |
| | v. State of Kansas, Appellee: | Attorney General County Attorney | |
| | | alendar-No Oral Argument | |
| 70,277 | Boddington & Brown, Chtd., Appel | | Leavenworth |
| | Leavenworth County Commission, Appellant. | David C. Van Parys | |
| | 생물을 가게 되었다. 그 그는 속하였다고 하게 되었다. | | Carol G. Green |

Carol G. Green Clerk of the Appellate Courts

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1992 Supp. 75-4210. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and K.S.A. 75-4209(a)(1)(B), as amended by the 1993 Session Laws of Kansas, Chapter 207.

Effective 2-14-94 through 2-20-94

| Term | Rate |
|-----------|-----------------------------------|
| 0-90 days | 3.24% |
| 3 months | 3.28% |
| 6 months | 3.51% |
| 9 months | 3.71% |
| 12 months | 3.91% |
| 18 months | 4.19% |
| 24 months | 4.45% |
| 36 months | 4.77% |
| 48 months | 5.04% |
| | Sally Thompson State Treasurer |

Doc. No. 014421

(Published in the Kansas Register, February 10, 1994.)

Notice of Call for Redemption to the registered owners of Cowley County Community College Student Union and Dormitory Revenue Bonds Series 1979, Dated November 1, 1979

Notice is hereby given that pursuant to the provisions of Section 2 of the resolution of Cowley County Community College (the issuer), the above mentioned bonds maturing November 1, 1994, and thereafter (the called bonds), have been called for redemption and payment on May 1, 1994 (the redemption date), at the principal office of the Kansas State Treasurer, Topeka, Kansas (the bond registrar and paying agent).

| Maturity | Principal | Interest | CUSIP |
|----------|-----------|----------|-----------|
| Date | Amount | Rate | Nos. |
| 11-01-94 | \$60,000 | 8.50% | 223753AL8 |
| 11-01-95 | \$60,000 | 8.75% | 223753AM6 |
| 11-01-96 | \$65,000 | 8.75% | 223753AN4 |
| 11-01-97 | \$70,000 | 8.75% | 223753AP9 |
| 11-01-98 | \$75,000 | 8.75% | 223753AO7 |
| 11-01-99 | \$85,000 | 8.75% | 223753AR5 |

On the redemption date there shall become due and payable, upon the presentation and surrender of each such called bond, the redemption price thereof equal to 103 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the called bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

By: Sally Thompson Kansas State Treasurer Topeka, Kansas as Paying Agent

Doc. No. 014424

(Published in the Kansas Register, February 10, 1994.)

Summary Notice of Sale Sheridan County, Kansas General Obligation Bonds Series 1994

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of sale and official statement, sealed bids will be received by the county clerk of Sheridan County, Kansas, on behalf of the governing body at the county courthouse, Hoxie, Kansas, until 11 a.m. Central Time on Monday, February 21, 1994, for the purchase of \$1,900,000* principal amount of General Obligation Bonds, Series 1994, of the county hereinafter described. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated February 1, 1994, and will become due serially on September 1 in the years as follows:

| Year Pri | ncipal Amount |
|----------------------------------|---------------|
| 1995 A. Single Jan 1944 | \$155,000 |
| 1996 | 160,000 |
| 1997 पर्योगस्य अभेगी | 165,000 |
| 1998, 3. Najay A. J. Sees 1 | 175,000 |
| 1999 | 185,000 |
| 2000 - 1 - 1 - 1 - 1 - 1 - 1 - 1 | 190,000 |
| 2001 | 200,000 |
| 2002 | 210,000 |
| 2003 | 225,000 |
| 2004 | 235,000 |

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on September 1, 1994.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of 2 percent of the principal amount of the bonds.

Delivery

The county will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder(s) on or before March 17, 1994, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder(s).

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1993 (continued)

is \$27,083,383. The total general obligation indebtedness of the county as of the date of the bonds, including the bonds being sold, is \$2,200,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the county, printed on the bonds and delivered to the successful bidder(s) as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the county clerk.

Dated February 7, 1994.

*Subject to change.

Sheridan County, Kansas By Paula Bielser County Clerk **美国新教工会** P.O. Box 899 Sold Provide Hoxie, KS 66044 (316) 675-3361

Doc. No. 014444

and the contract of the (Published in the Kansas Register, February 10, 1994.)

Summary Notice of Sale City of Emporia, Kansas General Obligation Refunding Bonds (Sewer System) Series 1994-A

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of sale and preliminary official statement, sealed bids will be received by the city clerk of the city of Emporia, Kansas, on behalf of the governing body at the City Hall, 522 Mechanic, Emporia, KS 66801, until 11 a.m. Central Time on Wednesday, February 16, 1994, for the purchase of \$1,910,000* principal amount of General Obligation Refunding Bonds (Sewer System), Series 1994, of the city as described in this summary notice. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated March 1, 1994, and will become due serially on June 1 in the years as follows:

| ~ | | | ~ 4 |
|----------|------|----|-----|
| Sei | 7100 | пu | U/I |
| | | | |

| Year | Principal Amoun | ıt * |
|------|-----------------|------|
| 1994 | \$100,000 | . 4 |
| 1995 | 100,000 | |
| 1996 | 105,000 | 1 |
| 1997 | 110,000 | |
| 1998 | 115,000 | |
| 1999 | 125,000 | 1000 |

| 2000 | tan da garanten da | 125,000 |
|--------|--|---------|
| 2001 | | 130,000 |
| | (QDX) | 2 1 7 5 |
| 2002 | thereon in the first is to | 330,000 |
| 2003 | | 470,000 |
| 2004 | | 200,000 |
| - 2001 | | 200,000 |

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning on June 1, 1994. Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of 2 percent (\$38,200) of the principal amount of the bonds.

Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder(s) on or about March 9, 1994, at such bank or trust company in the state of Kansas as may be specified by the successful bidder(s).

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1993 is \$99,002,400. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$11,920,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder(s) as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the assistant city manager or from the city's financial advisor, Mark Twain Bank, Public Finance Division, Suite 130, 106 W. 11th, Kansas City, MO 64105, (816) 421-4440.

and the state of t

Dated February 4, 1994. *Subject to change.

2 Osac district City of Emporia, Kansas By Mark McAnarney Assistant City Manager Emporia, KS 66801 522 Mechanic Emporia, KS 66801 (316) 343-4252 Doc. No. 01442

(Published in the Kansas Register, February 10, 1994.)

Summary Notice of Bond Sale City of Iola, Kansas \$1,200,000

General Obligation Bonds, Series A, 1994 (General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated February 8, 1994, sealed bids will be received by the city clerk of Iola, Kansas (the issuer), on behalf of the governing body at 2 W. Jackson, Iola, KS 66749, until 1:30 p.m. C.S.T. on February 22, 1994, for the purchase of \$1,200,000 principal amount of General Obligation Bonds, Series A, 1994. No bid of less than the entire par value of the bonds, except a discount of not greater than 1.25 percent of the par value of the bonds, and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated March 1, 1994, and will become due on December 1 in the years as follows:

| Year | Pri | ncipal Amount |
|------|-----|---------------|
| 1995 | | \$180,000 |
| 1996 | | 235,000 |
| 1997 | | 250,000 |
| 1998 | | 260,000 |
| 1999 | | 275,000 |

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning on June 1, 1995.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$24,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before March 15, 1994, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1993 is \$16,572,880. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$1,678,750.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond coun-

sel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (316) 365-5532.

Dated February 8, 1994.

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City of Iola, Kansas

Doc. No. 014440

State of Kansas

Board of Indigents' Defense Services

Permanent Administrative Regulations

Article 2.—TERMS DEFINED

105-2-1. Definitions. Unless the context otherwise requires, terms used in K.A.R. 105-1-1 et seq., forms and instructions shall have the following meanings:

(a) "Board" means the state board of indigents' de-

fense services.

(b) "Director" means the state director of indigents' defense services appointed by the board.

(c) "District" means judicial district.

- (d) "Legal representation" means representation of indigent defendants by a qualified and effective attorney, as well as transcript preparation and other related defense services by investigators, expert witnesses and others when requested by the attorney and properly approved in accordance with K.A.R. 105-7-1, 105-7-2 and 105-7-3.
- (e) "Panel" means the list of qualified attorneys in a county or region who are eligible for appointment or assignment to represent indigent defendants and voluntarily request to be considered for appointment or assignment.
- (f) "Regional public defender" means an attorney selected and employed on full-time basis by the board to provide quality legal representation to indigent defendants in an assigned region of the state and to administer the assignment panel within that region, pursuant to K.S.A. 1993 Supp. 22-4501, et seq.

 (g) "State appellate defender" means an attorney se-

(g) "State appellate defender" means an attorney selected and employed on a full-time basis by the board to provide appellate representation to indigent defender."

dants in the appellate courts of Kansas.

(h) "Trial counsel" means an attorney or public defender appointed or assigned under the terms of these regulations to provide legal representation to indigent defendants in the district courts of Kansas and as provided by K.A.R. 105-3-9.

(i) "Conflicts attorney office" means the office designated by the board to provide indigent felony and related defense services for cases that cannot be handled by the regional public defender office due to po-

tential conflicts of interest.

(j) "Assigned counsel or attorney" means a panel attorney who has entered into a contract to provide representation for nonconflict cases appointed to the (continued)

regional defender or conflicts cases appointed to the conflicts office and who has been assigned by the regional public defender or conflicts office to represent the indigent defendant.

(k) "Appointed counsel or attorney" means a panel attorney appointed by the court to represent an indigent defendant in a case in which the regional public defender has a conflict of interest and neither the regional public defender nor the designated conflicts of

fice is able to undertake representation.

(l) "Region" means an area of the state designated by K.A.R. 105-10-1a. (Authorized by K.S.A. 22-4522; implementing K.S.A. 22-4522; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended Oct. 31, 1988; amended March 28, 1994.)

Article 3.—APPOINTED ATTORNEYS

105-3-11. Conflict cases. (a) If a conflict of interest will not permit the regional public defender to represent a defendant and a conflicts office has not been designated for that county, the court shall appoint a qualified attorney from the panel. Each court-appointed attorney in conflict cases shall work independently of the regional public defender.

(b) Requests for investigative, expert and other services by court-appointed attorneys shall be made in accordance with K.A.R. 105-7-1. (Authorized by K.S.A. 22-4501 and 22-4522; implementing K.S.A. 22-4503 and

22-4522; effective March 28, 1994.)

Article 5.—ATTORNEY COMPENSATION

105-5-2. Rates of compensation. (a) Each appointed counsel shall be compensated at the rate of \$50 per hour.

(b) Assigned counsel shall be compensated at the rate or rates established and set forth in the contract between the board and the assigned counsel. (Authorized by K.S.A. 22-4507 and 22-4522; implementing K.S.A. 22-4507; effective May 1, 1984; amended May 1, 1988; amended, T-105-6-13-88, July 1, 1988; amended Oct. 31, 1988; amended July 1, 1993; amended, T-105-6-15-93, July 1, 1993; amended Aug. 16, 1993; amended March 28, 1994.)

Article 10.—SYSTEMS FOR PROVIDING LEGAL DEFENSE SERVICES FOR INDIGENT PERSONS

105-10-1. (Authorized by K.S.A. 22-4501 and 22-4522; implementing K.S.A. 22-4503 and 22-4522; effective, T-86-33, Oct. 23, 1985; effective May 1, 1986; amended Nov. 1, 1988; amended, T-105-6-22-89, June 22, 1989; amended Oct. 30, 1989; revoked March 28, 1994.)

105-10-1a. Public defender systems at the trial level. (a) Except as provided in K.A.R. 105-3-11, each regional public defender office shall provide all indigent felony and related defense services at the trial level in each region of the state, as follows:

(1) Region 1 shall consist of the 15th, 16th, 17th,

23rd, 24th, 25th and 26th judicial districts;

(2) region 2 shall consist of the 9th, 13th, 18th, 19th, 27th and 30th judicial districts;

(3) region 3 shall consist of the 8th, 12th, 20th, 21st and 28th judicial districts;

(4) region 4 shall consist of the 4th, 6th, 10th, 11th, 14th and 31st judicial districts;

(5) region 5 shall consist of the 2nd, 3rd, 5th, 7th

and 22nd judicial districts; and

(6) region 6 shall consist of the 1st and 29th judicial districts.

- (b) If the director has provided notice pursuant to K.A.R. 105-10-3 to the administrative judge of the judicial district in which a case is filed of the board's designation of a conflicts office for a county, the designated conflicts attorney office shall be appointed and shall provide indigent felony and related defense services at the trial level for those cases that cannot be handled by the regional public defender office due to potential conflicts of interest, with the exception of those cases which the designated conflicts attorney office cannot handle due to a potential conflict of interest.
- (c) Each trial court shall appoint the regional public defender to provide felony defense services in all felony and other cases set forth in K.A.R. 105-1-1(a) with the following exceptions:

(1) If K.A.R. 105-10-2 requires the appointment of

the state appellate defender;

(2) if a conflict of interest will not permit the regional public defender to represent the defendant and the conflicts attorney office is not available; or

(3) if the regional public defender office withdraws from the case or declines the case as provided in

K.A.R. 105-21-3.

- (d) If one of the exceptions stated above prevents the appointment of the regional public defender, the court shall appoint an attorney as provided in K.A.R. 105-3-11 on a form approved by the board. (Authorized by K.S.A. 22-4501 and 22-4522; implementing K.S.A. 22-4503 and 22-4522; effective March 28, 1994.)
- **105-10-3.** Implementation schedule for regional public defender system. (a) The district court judge shall appoint the regional defender, or any other attorney under the system established by the board, to represent all persons entitled to counsel under K.S.A. 22-4503 who have not, prior to the system implementation date, had counsel appointed in the action pending before the court. The system implementation date in a particular county shall be the date provided in written notice by the director to the following persons:

(1) the chief justice of the Kansas supreme court;(2) the judicial administrator for the Kansas unified

judicial branch;

(3) the departmental justices assigned to the district courts within the region; and

(4) the district court administrative judges within the

region.

- (b) The district court judge shall appoint the regional defender, or any other attorney under the system established by the board, to represent any persons entitled to counsel under K.S.A. 22-4503 who have, prior to the system implementation date, had counsel appointed in the action pending before the court if appointed private counsel withdraws or is removed for the case subsequent to the implementation date.
- (c) The district court judge shall appoint the regional defender to cases with matters pending prior to notice

of the change in the indigents' defense system if the regional defender requests the appointment and ap-

pointed private counsel does not object.

(d) The district court judge may appoint the regional defender to cases with matters pending prior to notice of the change in the indigents' defense system if it is the judgement of the court that it is in the best interests of the defendant to do so and provided that the regional defender consents to the appointment.

(e) Until notice is given pursuant to the provisions of this regulation that a county falls within a regional defender district, the district court judge has discretion to appoint counsel under the previously existing system for the county or district. (Authorized by K.S.A. 22-4501 and 22-4522; implementing K.S.A. 22-4503 and 22-4522; effective March 28, 1994.)

105-10-4. Notification of designation of conflicts office. (a) The director shall provide notice of the board's designation of a conflicts office to the administrative judge of the judicial district by certified letter, return receipt requested, at least 30 calendar days prior to the time the designation becomes effective. The notice shall include:

(1) the county for which such office is designated as the conflicts office;

(2) the effective date of the designation; and

(3) the name, address and phone number of the

designated conflicts office.

(b) If the written notice of designation of a conflicts office is received at a date less than 30 calendar days prior to the effective date of designation contained in the notice, the effective date of designation will be 30 calendar days after the actual receipt of the written notice of the designation.

(c) If the board changes the designated conflicts office for a particular county, the board shall provide written notice to the administrative judge of the judicial district 10 calendar days prior to the effective date of the change, by certified letter, return receipt requested. The notice shall state:

(1) the effective date of the change;

(2) the name, address and phone number of the new

conflicts office; and

(3) the manner in which current open cases are to be handled. (Authorized by K.S.A. 22-4501 and 22-4522; implementing K.S.A. 22-4503 and 22-4522; effective March 28, 1994.)

105-10-5. Assigned counsel contracts. The regional public defender, the state appellate defender and the designated conflicts office may, upon written authorization by the director, contract for services with qualified attorneys to undertake representation of indigent defendants to which their office has been appointed. (Authorized by K.S.A. 22-4501 and 22-4522; implementing K.S.A. 22-4522 and 22-4523; effective March 28, 1994.)

> Ron Miles **Executive Director**

Doc. No. 014433

PRINCES.

State of Kansas

Kansas Insurance Department

Permanent Administrative Regulations

Article 1.—GENERAL

40-1-22. Insurance policies; change of name or merger of an insurance company; assumption of risk endorsements; requirements. (a) The assuming company shall attach to each policy an "assumption of risk" endorsement that displays the name and address of the assuming company when any outstanding policy of insurance issued to a resident of Kansas is affected by:

(1) a change in the name of the issuing company;

(2) a merger, consolidation or similar transaction involving the issuing company;

(3) a change of domicile in which policy liability is

assumed by another company; or

(4) an assumption reinsurance agreement.

(b) The "assumption of risk" endorsement shall be approved by the commissioner of insurance before issuance to residents of the state of Kansas.

(c) An "assumption of risk" endorsement originating from an assumption reinsurance agreement shall

(1) require the insured to take affirmative action to reject the substitution of one insurer for another; or

(2) state that failure to reject such substitution or the continued payment of premium will constitute acceptance of the substitution. (Authorized by K.S.A. 40-103; implementing K.S.A. 40-221(a), 40-309, 40-510, 40-1220, 40-1221, 40-1222; effective Jan. 1, 1967; amended May 1, 1979; amended May 1, 1986; amended March 28, 1994.)

Article 3.—FIRE AND CASUALTY INSURANCE

40-3-47. Fire and casualty insurance; rating organizations; filing of final rates prohibited; kinds of insurance affected. (a) On and after the respective dates specified herein, rating organizations shall develop and file only prospective loss costs for the kinds of insurance, coverages or situations identified or described in paragraphs (1) through (6) of this subsection.

(1) July 1, 1991, multiple line, indivisible premium residential policies and endorsement forms comprising what is commonly identified as the homeowners policy

program.

(2) June 1, 1991, automobile insurance on privately owned or leased private passenger automobiles and other motor vehicles provided under what is commonly known as a personal automobile policy.

(3) June 1, 1991, multiple line, indivisible premium commercial policies comprising what is commonly

identified as the business owners program.

(4) March 1, 1993, all other fire, marine and inland marine insurance and allied lines of insurance to which K.S.A. 40-925 et seq. applies, except rates, rules and forms filed by the following rating organizations:

(A) factory mutual service bureau;

(continued)

- (B) midwest rating and service bureau, inc.;
- (C) mill and elevator rating bureau; and
- (D) national crop insurance services, inc.
- (5) March 1, 1993, all other casualty insurance, including fidelity, surety and guarantee bonds to which K.S.A. 40-1111 et seq. applies, except rates, rules and forms filed by the national council on compensation insurance.
- (6) July 1, 1994, rates, rules and forms filed by the national council on compensation insurance.

(b) With respect to the filing of prospective loss costs and supplementary rating information by rating organizations and insurers respectively, the procedures referenced in K.A.R. 40-3-46(b) shall apply. (Authorized by K.S.A. 40-103 and K.S.A. 1992 Supp. 40-928a and 40-1113c; implementing K.S.A. 1992 Supp. 40-928a and 40-1113c; effective May 6, 1991; amended Feb. 8, 1993; amended March 28, 1994.)

Ron Todd Commissioner of Insurance

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